

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

MARK JEROME JOHNSON BLOUNT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:23-cv-03106-MDH
)	
UNITED STATES OF AMERICA, et al.,)	
)	
Defendants.)	

**DEFENDANTS' SECOND MOTION FOR AN ENLARGEMENT OF TIME TO FILE AN
ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b), Defendants move this Court for a second order enlarging the time to answer or otherwise respond to Plaintiff's Complaint, ECF No. 1, by twenty-five days to Friday, August 11, 2023. In support of this motion, Defendants state as follows:

Supporting Suggestions

1. On April 7, 2023, Plaintiff filed a Complaint, ECF No. 1, against Defendants seeking declaratory and injunctive relief in relation to the National Firearms Act, 26 U.S.C. § 5812, et seq., the Gun Control Act of 1968, and the Firearms Owners' Protection Act of 1986, 18 U.S.C. § 922, et seq.
2. The United States Attorney for the Western District of Missouri was served with process on April 17, 2023.
3. Pursuant to Fed. R. Civ. P. 12(a)(2), the initial deadline for Defendants to file an answer or otherwise respond Plaintiff's Complaint was June 16, 2023.¹

¹ The undersigned counsel still lacks any information concerning service, or attempted service, upon the United States Attorney General as required by Fed. R. Civ. P. 4(i)(1)(B). Regardless, neither this extension motion—nor Defendants' first extension motion—should be construed as, a waiver of any defenses that Defendants may have regarding insufficient service of process should it be discovered that the United States Attorney General was not properly served.

4. On June 13, Defendants moved for—and this Court granted—an enlargement of time to July 17, 2023, within which to file an answer or otherwise respond to Plaintiff’s Complaint. ECF No. 3, 4.

5. Defendants hereby respectfully request a second and final enlargement of time—to August 11, 2023—within which to file an answer or otherwise respond to Plaintiff’s Complaint. This additional extension is necessitated in part due to the crush of several competing deadlines in ongoing litigation to which the undersigned is assigned, including two briefing deadlines in the 8th Circuit Court of Appeals. Moreover, the sheer breadth and novelty of the extensive claims asserted in Plaintiff’s 189-page, 491-paragraph Complaint requires multiple levels of review not only from within the Bureau of Alcohol, Tobacco, Firearms, and Explosives but also by the Department of Justice, Federal Programs Branch. In short, the second extension requested herein is necessary to permit a thorough factual, legal, and policy review so as to formulate, prepare, and file a proper response to Plaintiff’s Complaint.

6. This is Defendants’ second request for an enlargement of time and no further extensions are anticipated. In seeking additional time to respond, Defendants do not intend to delay these proceedings, but rather to develop a complete and thorough record for an efficient and just presentation of the issues before this Court. Thus, granting this motion will not unduly hinder a speedy and proper resolution of this case.

Based on the foregoing, Defendants request that this Court enter an order enlarging the time to answer or respond to Plaintiff’s Complaint by twenty-five days to Friday, August 11, 2023.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July 2023, a true and correct copy of the foregoing document was filed with the Court using the Court's CM/ECF system and was served upon each attorney of record via ECF notification and/or via first class mail to the address indicated below.

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/s/ Wyatt R. Nelson

Wyatt R. Nelson
Assistant United States Attorney